

## **U.S. Department of Justice**

United States Attorney Southern District of New York

**MEMO ENDORSED** 

26 Federal Plaza New York. New York 10278

October 15, 2024

**BY ECF** 

Honorable Valerie E. Caproni Thurgood Marshall United States Courthouse 40 Foley Square New York, NY 10007 USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #:

DATE FILED: 10/16/2024

Re: United States v. Melvin Ely, 21 Cr. 603 (VEC)

Dear Judge Caproni:

The Government writes to respectfully request that the Court permit the Government to file its letter, pursuant to Section 5K1.1 of the Sentencing Guidelines ("5K Letter") in advance of the sentencing of Melvin Ely, in partially redacted form. Consistent with the Court's Individual Rules, a redacted version of the 5K Letter has been filed on ECF and a copy of the proposed redactions have been submitted to Chambers under seal. The defendant consents to this request. The proposed redactions overcome the presumption of public access because the redactions are narrowly tailored and reflect sensitive information regarding the defendant's family members or law enforcement investigative methods, the public disclosure of which may have negative consequences. Accordingly, the Government respectfully requests that the Court permit the public filing of a partially redacted 5K Letter.

Respectfully submitted,

DAMIAN WILLIAMS United States Attorney

by: /s/

Rushmi Bhaskaran Qais Ghafary Rebecca Delfiner Assistant United States Attorneys (212) 637-2534

Cc: James M. Branden, Esq. (via ECF and email)

Application GRANTED with respect to the proposed redactions in Section I.c. of the Government's sentencing submission. Application DENIED without prejudice with respect to all other proposed redactions.

Not later than **Monday**, **October 21**, **2024**, the Government must either file a version of its sentencing submission removing all redactions other than those in Section I.c., or file a letter explaining why information that Mr. Ely made public when he testified in open court should nevertheless be redacted.

SO ORDERED.

HON. VALERIE CAPRONI

UNITED STATES DISTRICT JUDGE